IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STA	ATES OF AMERICA)		
	Plaintiff,) 8:08CR271)	
vs.) DETENTION	ORDER
MARCOS VI	LLELA,			
	Defendant		}	
After co	or Detention Inducting a detention Act on July 24, 2008 Into 18 U.S.C. § 314	3, the Court orde	uant to 18 U.S.C. § ers the above-named	3142(f) of the Bail defendant detained
The Cou X B co X B	onditions will reason or clear and convinci	dant's detention te of the evide nably assure the ng evidence that	because it finds: nce that no conditio appearance of the de	bination of conditions
containe <u>X</u> (1	ort's findings are bated in the Pretrial Serent Ser	rvices Report, and imstances of the letter and conspiracy methamphetames a minimum set of life imprisonnel. III) in violation of twenty years se is a crime of se involves a national content.	to distribute and poine (Count I) in violatine (Count I) in violatinence of ten years nent; the distribution of 21 U.S.C. § 841 ea imprisonment.	ving: ssess with intent to ation of 21 U.S.C. § imprisonment and a of methamphetamine ch carry a maximum
<u>X</u> (3	 The history and (a) General F X X X X X X X X T X X T 	characteristics of actors: The defendant appears affect whethe defendant has the defendant of the defendant of the defendant of the defendant has the defend	oes not have any signed he defendant: as a history relating to as a history relating to as a significant prior of as a prior record of	ding: ntal condition which appear. e area. nployment. ncial resources. ent of the community. gnificant community o drug abuse. o alcohol abuse. criminal record.

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	(b)		of the current arrest, the defendant was on: bation
		Rel	ease pending trial, sentence, appeal or completion of itence.
	(c)	Other Facto	rs: e defendant is an illegal alien and is subject to
			ortation.
			e defendant is a legal alien and will be subject to
			oortation if convicted. Bureau of Immigration and Custom Enforcement
		(BIC	CE) has placed a detainer with the U.S. Marshal.
Χ	(4) The i	nature and	seriousness of the danger posed by the defendant's
	releas defen	se are as foll	ows: The nature of the charges in the Indictment, the all history, and the outstanding 2004 arrest warrant from
X	(5) Rebu	ttable Presu	mntions
	Ì In det	ermining that	the defendant should be detained, the Court also relied
			rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
			ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		the crime in	person and the community because the Court finds that volves:
		(1)	A crime of violence; or
		<u>X</u> (2)	An offense for which the maximum penalty is life imprisonment or death; or
		<u>X</u> (3)	A controlled substance violation which has a maximum
		. ,	penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
			above, and the defendant has a prior conviction for
			one of the crimes mentioned in (1) through (3) above
			which is less than five years old and which was committed while the defendant was on pretrial release.
	<u>X</u> (b)		ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		cause to be	nunity because the Court finds that there is probable lieve:
			That the defendant has committed a controlled
			substance violation which has a maximum penalty of
		(2)	10 years or more. That the defendant has committed an offense under 18
		(/	U.S.C. § 924(c) (uses or carries a firearm during and
			in relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
			weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 24, 2008.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge